

*File 72-1080-  
Rec'd*

18 October 1972

Richard P. Gitter, Esq.  
Educational Broadcasting Corporation  
304 West 58th Street  
New York, New York 10019

Dear Mr. Gitter:

We very much appreciate your letter of October 9th notifying us that WNET is in the process of producing a film on Mr. Victor L. Marchetti and offering us an opportunity to participate. We believe, however, that it would not be appropriate to participate in any controversy on this matter while it is still the subject of a petition for a writ of certiorari in the Supreme Court. Furthermore, we do not believe it would serve any purpose to dignify the comments of Mr. Marchetti which you quote by any response other than to say that his own successful career in the Agency, leading to a position of high trust, should be a sufficient answer.

In the event that the record of the court proceedings in the Government action against Mr. Marchetti is not readily available to you, I am enclosing a complete set of the formal submissions and opinions in the open record.

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Sincerely,



Lawrence R. Houston  
General Counsel

Enclosures

cc: ER  
Asst to DCI-Mr. Thuermer  
OLC

Marchetti Enclosures

1. Complaint filed April 18, 1972
2. Affidavit of Richard Helms
3. Affidavit of Howard J. Osborn
4. Affidavit of Harry B. Fisher
5.
6. Answer
7. Motion to Dissolve Temporary Restraining Order
8. Memorandum Opinion and Order, U.S. District Court  
May 19, 1972
9. Permanent Injunction, May 23, 1972
10. Brief for Appellee
11. Brief for Appellant
12. Opinion, U.S. Court of Appeals for the Fourth Circuit  
September 11, 1972

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EDUCATIONAL BROADCASTING CORPORATION / 304 WEST 58TH STREET / NEW YORK 10019 / 581-6000

ER-72-5413

October 9, 1972

Mr. Richard Helms  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Sir:

WNET is currently in the process of producing a film on Mr. Victor Marchetti, a former employee of the Central Intelligence Agency.

The film primarily involves the efforts taken by your agency to injoin publication of certain material written by Mr. Marchetti. During the course of the program Mr. Marchetti alleges that C.I.A. efforts in this regard are a "sham," that the agency "set him up," that the agency is "trying to crucify him" and that he was "victimized" because he was an "ethnic" in an organization whose hierarchy is "waspish."

Accordingly, we welcome comments from you concerning the foregoing statements. Furthermore, either you or a representative of the Agency may wish to participate in the film or to have a reasonable opportunity to respond to the statements and other allegations at some other time.

Since we hope to air the program within the next few weeks, we would appreciate hearing from you at your earliest convenience.

Sincerely yours,

*Richard P. Gitter*  
Richard P. Gitter  
Counsel

RPG:ss

CC: Ms. Barbara Gordon, Producer

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<b>OFFICIAL ROUTING SLIP</b>		
TO	NAME AND ADDRESS	DATE
1	OLC	
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ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE
<b>Remarks:</b>		
<b>FOLD HERE TO RETURN TO SENDER</b>		
FROM: NAME, ADDRESS AND PHONE NO.		DATE
General Counsel		10/18/72
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